IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

MACA.No. 801 of 2007()

OPMV.2/2006 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA
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APPELLANT/PETITIONER

ULAHANNAN, S/O THOMMAN, AGED 47 YEARS,
VADAKKANEDATH HOUSE, EZHAKKARANAD KARA,
MANEED VILLAGE, ERNAKULAM.

BY ADV. SRI.K.V.SABU

RESPONDENTS: RESPONDENTS
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1. MARY ALIAS, MOOLAYIL HOUSE,
KOKKAPPILLY P.O., THIRUVANKULAM.

2. JOY THOMAS, ENTHIAMKATTIL HOUSE,
PAZHOOR, PIRAVOM.

3. NATIONAL INSURANCE COMPANY LTD.,
TRIPUNITHURA BRANCH.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.No.801 OF 2007

Dated 18th June, 2007

JUDGMENT

Koshy,J.

Appellant filed a claim petition before the Motor Accidents Claims Tribunal. Respondents 1 and 2 were exparte. Respondent No.3, though entered appearance, did not file any written statement. The Tribunal also noted that till the date of passing the award, no written statement was filed by respondents 1 and 2. Since documents filed were only attested by the lawyer, the claim petition was dismissed even without examining the claimant. We are of the opinion that the Tribunal was too fast in disposing of the claim petition without giving an opportunity to the claimant to get examined and to produce the certified copy of documents. No written statement was filed by respondents. Since the claim petition was dismissed without any application of mind, we set aside the impugned award, even without issuing notice, and remand the matter for fresh disposal. Tribunal should give notice to the counsel appearing for the insurance company and also should be given a month's time to file written statement, if any, after the first date of posting. Tribunal shall post the case on 7.8.2007 with notice to counsel for the third

respondent. Appellant should appear on that date before the Tribunal.

The appeal is allowed by way of remand.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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